IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

YAO ET AL.

Examiner:

A. MARKOFF

Serial No.:

09/272,183

Group Art Unit:

1746

Filed:

MARCH 18, 1999

Docket No.:

30874.64USU1 (SEA2655)

Title:

METHOD APPARATUS OF DISC BURNISHING WITH A GLIDE/BURNISH

HEAD

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 2023 I on May ________

Petition to Accept New Declaration Under 37 C.F.R. § 1.64(a) and 37 C.F.R. § 1.47(a)

Commissioner for Patents Washington, D.C. 20231

Dear Sir:

Two attempts have been made to obtain signature from Chiao-Ping Ku on the new Declaration in the above-referenced application. The new Declaration deletes the reference claiming priority to Provisional Application No. 60/078,625, which was included in the original application in error.

Enclosed please find a copy of a certified letter and the receipt signed for by Chiao-Ping Ku on March 2, 2001. A second attempt to obtain signature was made via Express Mail on March 22, 2001. Enclosed is a copy of the letter sent to Chiao-Ping Ku along with a copy of the Express Mail receipt.

Applicants respectfully request acceptance of this new Declaration as signed by all other inventors on behalf of themselves and the nonsigning inventor. The petition fee of \$130.00 as set forth in C.F.R. § 1.17(h) is submitted herewith.



The Examiner is encouraged to contact the Applicants' undersigned representative if a telephone interview would expedite acceptance of the newly signed Declaration.

Respectfully submitted,

MERCHANT & GOULD P.C.

P.O. Box 2903

Minneapolis, Minnesota 55402-0903

(612) 332-5300

Date: 7/14 8, 2001

Natalie D. Kadievitch

Reg. No. 34,196

NDK:PSTdb

MERCHANT & GOULD P.C.

United States Patent Application

DECLARATION UNDER 37 C.F.R. § 1.63

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD APPARATUS OF DISC BURNISHING WITH A GUIDE/BURNISH HEAD

DISC BORNISHING WIT	A A OLIDEBORNISH HEAD		
	n 18, 1999 as application serial no. 09/272, d claimed in international no. filed	,183 and was amended on and as amended on (if any	(if applicable) (in the case of a PCT-filed y), which I have reviewed and for which I
I hereby state that I have any amendment referred		f the above-identified specific	cation, including the claims, as amended by
I acknowledge the duty t Federal Regulations, § I		o the patentability of this appli	ication in accordance with Title 37, Code of
certificate listed below a	riority benefits under Title 35, United State nd have also identified below any foreign n the basis of which priority is claimed:	es Code, § 119/365 of any fore application for patent or inver	eign application(s) for patent or inventor's ntor's certificate having a filing date before
a. 🛛 no such application			
	FOREIGN APPLICATION(S), IF ANY,	CLAIMING PRIORITY UNDER	1 35 USC § 119
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
	ALL FOREIGN APPLICATION(S), IF ANY,	FILED BEFORE THE PRIORITY	Y APPLICATION(S)
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
	1	ł	

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U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/078.550	i9 March 1998

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Merchant & Gould P.C. P.O. Box 2903 Minneapolis, Minnesota 55402-0903

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name YAO	First Given Name WEI		Second Given Name HSIN
0	Residence & Citizenship	City FREMONT	State or Foreign Count	State or Foreign Country CALIFORNIA	
1	Post Office	Post Office Address 33909 SHYŁOCK DRIVE	City FREMONT		State & Zip Code/Country CALIFORNIA 94555/USA
Sign	ature of Inventor			Date:	
2	Full Name Of Inventor	Family Name SUNDARAM	First Given Name RAMESH		Second Given Name
0	Residence & Citizenship	City FREMONT	State or Foreign Coun CALIFORNIA	try	Country of Citizenship UNITED STATES
2	Post Office Address	Post Office Address 47681 ZUNIC DRIVE	City FREMONT		State & Zip Code/Country CALIFORNIA 94539/USA
Sign	ature of Inventor			Date:	
2	Fuil Name Of Inventor	Family Name WANG	First Given Name LI-PING		Second Given Name
0	Residence & Citizenship	City	State or Foreign Coun	try	Country of Citizenship TAIWAN
3	Post Office Address	Post Office Address 43670 Vista Del Mar	City FREMONT		State & Zip Code/Country CALIFORNIA 94539/USA
Sign	ature of Invento	т 203:		Date:	
2	Full Name Of Inventor	Family Name KU	First Given Name CHIAO-PING		Second Given Name
	Residence	City FREMONT	State or Foreign Cour CALIFORNIA	itry	Country of Citizenship TAIWAN
0	& Citizanahin	1.0000000000000000000000000000000000000			State & Zip Code/Country
0	& Citizenship Post Office Address	Post Office Address 59 VALAIS COURT	City FREMONT		CALIFORNIA 94539/USA

or

§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

MERCHANT & GOULD P.C.

United States Patent Application

DECLARATION UNDER 37 C.F.R. § 1.63

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: METHOD APPARATUS OF DISC BURNISHING WITH A GLIDE/BURNISH HEAD

any amendment referred to above.	Diac Bold domina with			
I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (attached hereto). I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed: a. no such applications have been filed. b. such applications have been filed as follows: FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 COUNTRY APPLICATION NUMBER DATE OF FILING (day, month, year) ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) COUNTRY APPLICATION NUMBER DATE OF FILING DATE OF ISSUE	a. is attached hereto b. was filed on March 18 application) described and c	laimed in international no. filed		
Thereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed: a. ⋈ no such applications have been filed. b. ⋈ such applications have been filed as follows: FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119 COUNTRY APPLICATION NUMBER DATE OF FILING (day, month, year) ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S) COUNTRY APPLICATION NUMBER DATE OF FILING DATE OF ISSUE (day, month, year)	I hereby state that I have re any amendment referred to	viewed and understand the contents o above.	f the above-identified specific	ation, including the claims, as amended by
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:	Full Name Of Inventor	Family Name YAO	First Given Name WEI	• • • • • • • • • • • • • • • • • • • •	
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	or CHIECHINIP	Post Office Address	City		State & Zlp Code/Country
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1	DISC BURNISHING WITH A GER	/BBORGHOIT IEEE		
ł	The specification of which a. is attached hereto b. was filed on March 18, 1999 application) described and claimed solicit a United States patent.			(if applicable) (in the case of a PCT-filed which I have reviewed and for which I
	I hereby state that I have reviewed any amendment referred to above.	l and understand the contents of	the above-identified specificati	ion, including the claims, as amended by
	I acknowledge the duty to disclose Federal Regulations, § 1.56 (attack		the patentability of this applica	tion in accordance with Title 37, Code of
	I hereby claim foreign priority ben certificate listed below and have a that of the application on the basis	lso identified below any foreign a	s Code, § 119/365 of any foreign application for patent or invento	n application(s) for patent or inventor's or's certificate having a filing date before
	a. no such applications have been such applications have been	een filed. 1 filed as follows:		
- I	FORE	IGN APPLICATION(S), IF ANY, C	CLAIMING PRIORITY UNDER 35	5 USC § 119
4,41 m3 4m4 atm. 11.4	COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
1.c. 1	ALL FORE	IGN APPLICATION(S), IF ANY, F	ILED BEFORE THE PRIORITY A	PPLICATION(S)
4	COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
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2	Orlhasprot	ino			
0	Residence & Citizenship	City FREMONT	State or Foreign Country CALIFORNIA		Country of Citizenship TAIWAN
1	Post Office	Post Office Address	City		State & Zip Code/Country
ı	Address	33909 SHYLOCK DRIVE	FREMONT		CALIFORNIA 94555/USA
Sign	ature of Inventor			Date:	17/01
	Full Name	Family Name	First Given Name	<u> </u>	Second Given Name
2	Of Inventor	SUNDARAM	RAMESH		
0	Residence	City	State or Foreign Count	ry	Country of Citizenship
•	& Citizenship	FREMONT	CALIFORNIA		UNITED STATES
2	Post Office	Post Office Address	City		State & Zip Code/Country
	Address	47681 ZUNIC DRIVE	FREMONT	,	CALIFORNIA 94539/USA
Sign	nature of Inventor	202:		Date:	
	Full Name	Family Name	First Given Name		Second Given Name
2	Of Inventor	WANG	LI-PING		
0	Residence	City	State or Foreign Count	ry	Country of Citizenship
	& Citizenship	FREMONT	CALIFORNIA		TAIWAN
3	Post Office	Post Office Address	City		State & Zip Code/Country CALIFORNIA 94539/USA
	Address	43670 Vista Del Mar	FREMONT		CALIFORNIA 94339/03A
				Date:	
Sig	nature of Inventor	203:			
Sig	Full Name	203: Family Name	First Given Name		Second Given Name
Sig 2			First Given Name CHIAO-PING		Second Given Name
_	Full Name	Family Name	******	-	Country of Citizenship
2	Full Name Of Inventor	Family Name KU	CHIAO-PING	-	Country of Citizenship TAIWAN
2	Full Name Of Inventor Residence	Family Name KU City	CHIAO-PING State or Foreign Counc	-	Country of Citizenship TAIWAN State & Zip Code/Country
2	Full Name Of Inventor Residence & Citizenship	Family Name KU City FREMONT	CHIAO-PING State or Foreign Count CALIFORNIA	-	Country of Citizenship TAIWAN

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2	Of Inventor	IAO				
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	& Citizenship	FREMONT	CALIFORNIA		TAIWAN	
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	Address	33909 SHYLOCK DRIVE	FREMONT	- 	CALIFORNIA 94555/USA	
Sign	ature of Inventor	201:		Date:		
	Full Name	Family Name	First Given Name		Second Given Name	
2	Of Inventor	SUNDARAM	RAMESH	RAMESH		
0	Residence	City	State or Foreign Coun	State or Foreign Country		
	& Citizenship	FREMONT	CALIFORNIA		UNITED STATES	
2	Post Office	Post Office Address	City	City		
	Address	47681 ZUNIC DRIVE	FREMONT		CALIFORNIA 94539/USA	
Sign	ature of Inventor	202: Ramen Sund	gam_	Date:	3/22/01	
	Full Name	Family Name	First Given Name	 -	Second Given Name	
2	Full Name Of Inventor	Family Name WANG	First Given Name LI-PING		Second Given Name	
2		•		try	Country of Citizenship	
	Of Inventor	WANG	LI-PING	try	Country of Citizenship TAIWAN	
	Of Inventor Residence	WANG	LI-PING State or Foreign Coun	try	Country of Citizenship TAIWAN State & Zip Code/Country	
0	Of Inventor Residence & Citizenship	WANG City FREMONT	LI-PING State or Foreign Coun CALIFORNIA	try	Country of Citizenship TAIWAN	
0	Of Inventor Residence & Citizenship Post Office	WANG City FREMONT Post Office Address 43670 Vista Del Mar	State or Foreign Coun CALIFORNIA City	Date:	Country of Citizenship TAIWAN State & Zip Code/Country	
0	Of Inventor Residence & Citizenship Post Office Address	WANG City FREMONT Post Office Address 43670 Vista Del Mar	State or Foreign Coun CALIFORNIA City		Country of Citizenship TAIWAN State & Zip Code/Country	
0	Of Inventor Residence & Citizenship Post Office Address nature of Inventor	City FREMONT Post Office Address 43670 Vista Del Mar 203:	State or Foreign Coun CALIFORNIA City FREMONT		Country of Citizenship TAIWAN State & Zip Code/Country CALIFORNIA 94539/USA	
0 3 Sign	Of Inventor Residence & Citizenship Post Office Address nature of Inventor	City FREMONT Post Office Address 43670 Vista Del Mar 203: Family Name	LI-PING State or Foreign Coun CALIFORNIA City FREMONT First Given Name CHIAO-PING State or Foreign Coun	Date:	Country of Citizenship TAIWAN State & Zip Code/Country CALIFORNIA 94539/USA Second Given Name Country of Citizenship	
0 3 Sign	Of Inventor Residence & Citizenship Post Office Address nature of Inventor Full Name Of Inventor	City FREMONT Post Office Address 43670 Vista Del Mar 7 203: Family Name KU City	State or Foreign Coun CALIFORNIA City FREMONT First Given Name CHIAO-PING	Date:	Country of Citizenship TAIWAN State & Zip Code/Country CALIFORNIA 94539/USA Second Given Name Country of Citizenship TAIWAN	
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Attorney Docket: 30874.64USUI

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2	Full Name Of Inventor	Family Name YAO	First Given Name WEI		Second Given Name HSIN	
0	Residence	City	State or Foreign Country CALIFORNIA		Country of Citizenship TAIWAN	
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§ 1.56 Duty to disclose information material to patentability.

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:
 - (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
 - (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and
 - (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;
 - (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
- (1) Each inventor named in the application:
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.